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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,260	02/09/2004	Jacob Lamm	063170.8053	1243
5073	7590	06/29/2009		
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER ZENATI, AMAL S	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 06/29/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/775,260

Applicant(s)

LAMM ET AL.

Examiner

AMAL ZENATI

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3, 37-40 and 42-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3, 37-40, and 42-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 50, 51, 54, and 55**, are rejected under 35 U.S.C 102 (b) as being anticipated by Gilles et al (US 6249578 B1; hereinafter Gilles).

Consider **claim 50**, **Gilles** clearly shows and discloses a method and a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps of providing self-supporting service consumers, comprising: allowing a service consumer to automatically consult a service policy comprising one or more service policy rules associated with the service consumer to request service (col. 2, lines 53-67; and col. 14, lines 2-21); automatically determining from the service policy, one or more actions to be taken to respond to the request for service, the one or more actions related to servicing the service consumer (col. 14, lines: 21-28, 34-35; and 40-40); automatically initiating the one or more actions; and automatically invoking one or more service provider tools to perform the one or more actions in response to the request for service (col. 14, claims 1 and 8, fig. 1; and fig. 2), wherein allowing a service consumer to automatically consult a service policy comprises: receiving the request for service from the service consumer independent of a user-initiated request; and comparing the request for service with the service policy (col. 14, lines 20-34)

Consider **claim 51**, **Gilles** shows the program device, wherein: the service consumer is a processor-controlled device that requires servicing (col. 14, lines 20-34).

Consider **claim 54**, **Gilles** shows the program device, further comprising determining from the policy whether the service consumer is covered by a warranty covering (features) the request for service (fig. 2, labels: 124, 126, and 128).

Consider **claim 55**, **Gilles** shows the program device, further comprising modifying the one or more service policy rules in response to one or more service events that occurred as a result of the one or more actions (col. 7, lines 27-45).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Consider **Claims 3, and 37 - 49, 52 - 53, and 56 - 57**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gilles et al (US Patent No.: 6,249,578 B1; hereinafter Gilles)** in view of **Bereiter et al (US Patent No.: 6,357,017 B1; hereinafter Bereiter)**

Consider **claim 3**, Gilles clearly shows and discloses a method of providing self-supporting service consumers, comprising: allowing a service consumer to automatically consult a service policy comprising one or more service policy rules (the authoring service read on service policy) associated with the service consumer to request a service (col. 2, lines 53-67; and col. 14, lines 2-21); automatically determining from the service policy, one or more actions to be taken to respond to the request for service, the one or more actions related to servicing the service consumer (col. 6, lines 40-55; col. 14, lines: 21-28, 34-35; and 40-40); automatically initiating the one or more actions associated with the service policy and the requested service (col. 14, lines 34-36); automatically invoking one or more service provider tools to perform the one or more actions in response to the request for service based on the service policy and the requested service (col. 14, lines 35-40; and col. 12, lines 24-33); and communicating one or more service

events that occurred as a result of the automatically initiating one or more actions and the automatically invoking one or more service provider tools wherein the communicating includes logging the one or more service events (col. 14, claim 1, fig. 1; and fig. 2); however, **Gilles** does not disclose the method, wherein requesting service is to request a solution for a fault that occurred in the service consumer and determining the one or more actions related to providing the solution to the fault.

In the same field of endeavor, **Bereiter** clearly discloses the method, the method, wherein requesting service is to request a solution for a fault that occurred in the service consumer and determining the one or more actions related to providing the solution to the fault (abstract).

Bereiter discloses the above for the purpose of providing service consumer an automated technical support (abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to request a solution for a fault that occurred in the service consumer and determine the one or more actions related to providing the solution to the fault as taught by Bereiter in Gilles, in order to provide the service consumer an automated technical support.

Consider **claim 37**, **Gilles** clearly shows and discloses a method and a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps of providing self-supporting service consumers, comprising: allowing a service consumer to automatically consult a service policy comprising one or more service policy rules associated with the service consumer to request service (col. 2, lines 53-67; and col. 14, lines 2-21); automatically determining from the service policy, one or more actions to be taken to respond to the request for service, the one or more actions related to servicing the service consumer (col. 14, lines: 21-28, 34-35; and 40-40); automatically initiating the one or more actions; and automatically invoking one or more service provider tools to perform the one or more actions in response to the request for service (col. 14, claims 1 and 8, fig.

1; and fig. 2); however, **Gilles** does not disclose the method, wherein requesting service is to request a solution for a fault that occurred in the service consumer and determining the one or more actions related to providing the solution to the fault.

In the same field of endeavor, **Bereiter** clearly discloses the method, the method, wherein requesting service is to request a solution for a fault that occurred in the service consumer and determining the one or more actions related to providing the solution to the fault (abstract).

Bereiter discloses the above for the purpose of providing service consumer an automated technical support (abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to request a solution for a fault that occurred in the service consumer and determine the one or more actions related to providing the solution to the fault as taught by Bereiter in Gilles, in order to provide the service consumer an automated technical support.

Consider **claim 44**, **Gilles** clearly shows and discloses a self-supporting service consumer system, comprising: a memory configured to house a service policy comprising one or more service policy rules associated with a service consumer; a processor configured to: enable the service consumer to automatically consult the service policy to request service; automatically determine from the service policy, one or more actions to be taken to respond to a request for service from the service consumer, the one or more actions related to servicing the service consumer; automatically initiate the one or more actions; and automatically invoke one or more service provider tools to perform the one or more actions in response to the request for service (col. 14, claim 1, line 18-40; col. 18, claim 10; col. 6, line 11-14; figures 1 and 2; and abstract); however, **Gilles** does not disclose the method, wherein requesting service is to request a solution for a fault that occurred in the service consumer and determining the one or more actions related to providing the solution to the fault.

In the same field of endeavor, **Bereiter** clearly discloses the method, wherein requesting service is to request a solution for a fault that occurred in the service consumer and determining the one or more actions related to providing the solution to the fault (abstract).

Bereiter discloses the above for the purpose of providing service consumer an automated technical support (abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to request a solution for a fault that occurred in the service consumer and determine the one or more actions related to providing the solution to the fault as taught by Bereiter in Gilles, in order to provide the service consumer an automated technical support.

Consider **claims 38**, **Gilles** clearly teaches that the method, further including: communicating one or more service events that occurred as a result of the automatically initiating one or more actions and the automatically invoking one or more service provider tools (abstract; and col. 3).

Consider **claim 39**, **Gilles** further teaches the method, wherein the service policy rules are specific to the service consumer (col. 7, lines 53-60).

Consider **claim 40**, **Gilles** further teaches the method, wherein the software applications include over-the-counter applications, custom applications, or combinations thereof (col. 5, line 9-15).

Consider **claims 41 and 47**, **Gilles** further teaches the method and the system, wherein the requested service is a request to provide a solution to fault (error, exception, and mishandled) that occurred in the service consumer (col. 5, line 55-58; and col. 6, line 5-7).

Consider **claims 42 and 48**, **Gilles** further teaches the method and the system, wherein the one or more service provider tools include knowledgebase, trouble ticketing tool, escalation tool, workflow tool, software delivery tool, or combinations thereof (col. 5, line 6-15).

Consider **claim 43, Gilles** further including allowing the service policy to be modified based on the automatic initiating and the automatic invoking steps (col. 8, lines 32-40 and 64-67).

Consider **claim 45, Gilles** further teaches that the system, The system of claim 44, further including: an interface operable to communicate through a web service with the service consumer over the world wide web via a web-enabled application programming interface residing in the service consumer (col. 6, lines 41-50; and col. 7, lines 3-12).

Consider **claim 46, Gilles and Bereiter**, further teach the system, wherein the service consumer includes one of a hardware device, a software application, or a combination thereof (col. 3, lines 35-39).

Consider **claim 49, Gilles and Bereiter**, further teach the system wherein the one or more actions comprise servicing the service consumer in response to the service consumer's request for service, and further including: an analysis tool operable to receive events occurring as a result of servicing the service consumer, the analysis tool further operable to modify the service policy based on received events (col. 7, lines 26-52; and col. 8, lines 32-42).

Consider **claim 52, Gilles and Bereiter** show the program device, wherein: the policy includes instructions for servicing the service consumer; and the one or more actions comprise servicing the service consumer in accordance with the instructions; and servicing the service consumer comprises repairing a fault in the service consumer (col. 14, lines 40-51; and col. 7, lines 40-60); however, **Gilles** does not disclose the method, wherein requesting service is to request a solution for a fault that occurred in the service consumer and determining the one or more actions related to providing the solution to the fault.

In the same field of endeavor, **Bereiter** clearly discloses the method, the method, wherein requesting service is to request a solution for a fault that occurred in the service consumer and determining the one or more actions related to providing the solution to the fault (abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to request a solution for a fault that occurred in the service consumer and determine the one or more actions related to providing the solution to the fault as taught by Bereiter in Gilles, in order to provide the service consumer an automated technical support.

Consider **claim 53, Gilles and Bereiter** show the program device, wherein: the service consumer is a processor-controlled device that requires servicing; the steps of allowing, automatically determining, automatically initiating, and automatically invoking occur at a service provider; servicing the service consumer comprises repairing a fault in the service consumer; and further comprising: when it is determined that the service consumer; and further comprising when it is determined that the service consumer needs servicing, automatically linking the service consumer to the service provider to enable the service provider to service the service consumer (fig. 2); however, **Gilles** does not disclose the method, wherein requesting service is to request a solution for a fault that occurred in the service consumer and determining the one or more actions related to providing the solution to the fault.

In the same field of endeavor, **Bereiter** clearly discloses the method, the method, wherein requesting service is to request a solution for a fault that occurred in the service consumer and determining the one or more actions related to providing the solution to the fault (abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to request a solution for a fault that occurred in the service consumer and determine the one or more actions related to providing the solution to the fault as taught by Bereiter in Gilles, in order to provide the service consumer an automated technical support.

Consider **claim 56, Gilles and Bereiter** show the program device, wherein the service consumer and the service provider are separate entities (Gilles: fig. 1, labels:54, 22, and 74).

Consider **claim 57, Gilles and Bereiter** show the program device, wherein the one or more actions provide the solution to the fault (Bereiter: abstract).

Response to Arguments

3. The present Office Action is in response to Applicant's amendment filed on September 24, 2008. Applicant has amended claims **3, 37, 44, and 49-53**, and added new claims **56 and 57**; claims **3, and 37 - 57** are now pending in the present application.
4. Applicant's arguments with respect to amended claims have been considered but are moot in view of the new ground(s) of rejection
5. Applicant argues regarding claim 50 on pages 11-12 of the Applicant's Response that Gilles does not teach that its allege request is received "independent of a user-initiate request for service"

The Examiner respectfully disagrees with Applicants' argument, Gilles clearly shows an automated electronic processing of orders for telecommunications products and services that eliminates human intervention; in other words, an automatic electronic ordering of telecommunication exclusively, meaning that no human intervention is required (col. 2, lines 53-55; and col. 5, lines 59-67; and col. 6, lines 1-25).

Therefore, in view of the above reasons, Examiner maintains rejections.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing

date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is 571-270-1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571- 272- 7499. The fax phone number for the organization where this application or proceeding is assigned is 571- 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CURTIS KUNTZ/
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June 16, 2009